to move along the roads would permit him to subsequently revisit that county at his pleasure, without any risk of being served with legal process while he was within its boundaries." A statute requiring automobile owners who are non-residents to consent to service of process upon the secretary of State, as service upon them personally, was held valid in *Cleary* v. *Johnston,* 79 N. J. L. 49, 74 Atl. 538, 8 MICH. L. REV. 417.

CORPORATIONS—ISSUE OF STOCK—CORPORATION OF TWO STATES.—Defendant corporation was organized under the laws of Missouri and the laws of Ohio. By the laws of Missouri preferred stock could not be issued without the consent of all the stockholders. By the laws of Ohio consent of a majority only was necessary. A meeting of the stockholders was called in Ohio, and an act of the directors in issuing preferred stock was ratified by a majority of the stockholders. This act was attacked by a stockholder in the New York courts. *Held,* the corporate acts had to conform to all the laws under which the corporation was empowered to act, and, since the laws of Missouri required the consent of all the stockholders, the issue of preferred stock was illegal. *Pollitz* v. *Wabash R. Co. et al.* (N. Y. 1912) 135 N. Y. Supp. 785.

In a very able and interesting article, in 4 COL. L. REV. 391, on the subject, "Corporations of two States," Professor BEALE states this same principle as a well settled rule of law. To the same effect are the following authorities: 4 COOK, CORP. (Ed. 6), § 910; 4 THOMPSON, CORP. (Ed. 2), § 3558; 2 CLARK & MARSHALL, CORP., § 362 f; *State of Maryland* v. *Northern Central Ry. Co.,* 18 Md. 193, 213; *Fisk* v. *Chicago, Rock Island & Pacific R. R. Co.,* 53 Barb. 513. It is doubtless true that the rule would be applied in the State where the limitation on the power of the corporation existed, and might be applied in a State where the company was not incorporated; but it may be doubted whether the rule would be applied in a State where the company was also incorporated and where no such limitation on its powers existed. ELLIOTT, RAILROADS, § 27; *Atwood* v. *Shenandoah Valley R. Co.,* 85 Va. 966, 9 S. E. 748, 38 Am. & Eng. R. R. Cas. 534; *Muller* v. *Dows,* 94 U. S. 444.

COURTS—JURISDICTION—DAMAGE TO REAL PROPERTY WITHOUT THE STATE—NEGLIGENCE.—Defendant negligently operated a locomotive, while passing plaintiff's real property in New Jersey, thereby setting fire to and damaging the premises, for which injury plaintiff seeks redress in the New York courts. *Held,* (by a divided court) that an action in trespass on the case sounding in negligence, for injury to real property is a local action and therefore cannot be prosecuted in the New York courts but must be maintained in the jurisdiction where the real property is located. *Brisbane* v. *Pennsylvania R. Co.* (N. Y. 1912) 98 N. E. 752.

The rule as stated by the majority opinion is in full accord with the weight of authority both in this country and in England: *Livingston* v. *Jefferson,* 1 Brock. 203, Fed. Cas. No. 8, 411; *DuBreuil* v. *Pennsylvania Co.,* 130 Ind. 137, 29 N. E. 109; *Bettys* v. *Milwaukee and St. P. R. Co.,* 37 Wis. 323; *Morris* v. *Missouri Pac. R. Co.,* 78 Tex. 17; 14 S. W. 228, 9 L. R. A. 349; *Missouri Pac. R. Co.* v. *Cullers,* 81 Tex. 382, 17 S. W. 19, 13 L. R. A. 542; note to *Smith* v. *Southern* R. R., 26 L. R. A. (N. S.) 928; *Doulson* v.

Matthews, 4 T. R. 503; *British South Africa Co.* v. *Companhai de Mozambique* [1893] A. C. 602. Yet some courts have repudiated the generally accepted rule on the ground that it often works an injustice: *Little* v. *Chicago St. P. M. & O. R. Co.,* 65 Minn. 48, 67 N. W. 846, 33 L. R. A. 423, 60 Am. St. Rep. 421; *Peyton* v. *Desmond,* 63 C. C. A. 651, 129 Fed. 1; *Holmes* v. *Barclay,* 4 La. Ann. 63. The minority opinion in the principal case attempts to distinguish between actions involving the title of real property and injury thereto, and those actions the gravamen of which is negligence. This view it not unsupported by authority: *Barney* v. *Burstenbinder,* 7 Lans. 210; *Home Ins. Co.* v. *Pennsylvania R. Co.,* 11 Hun 182; *Ducktown Sulphur, Copper and Iron Co.* v. *Barnes et al.,* 60 S. W. 593 (Tenn.); *Campbell* v. *McGregor,* 29 N. B. 644. But some courts have denied the existence of such a distinction. *Hill* v. *Nelson,* 70 N. J. L. 376, 57 At. 411; *Karr* v. *New York Jewell Filtration Co.,* 78 N. J. L. 198, 73 At. 132; *Las Animas & San Joaquin Land Co.* v. *Fitjo,* 9 Cal. App. 318, 99 Pac. 393; *Perry* v. *Seaboard Air Line R. Co.,* 153 N. C. 117, 68 S. E. 1060; *Brereton* v. *Canadian Pac. R. Co.,* 29 Ont. Rep. 57. However, when the act causing the injury is committed in one jurisdiction and the property injured is situated in another, an action for damages may be prosecuted in either jurisdiction. *Foote* v. *Edwards,* 3 Blatchf. 310, Fed. Cas. No. 4, 908; *Stillman* v. *White Rock Mfg. Co.,* 3 Wood and M. 538, Fed. Cas. No. 13, 446; *Mannville* v. *Worcester,* 138 Mass. 89; *Rundle* v. *Delaware and R. Canal,* 1 Wall Jr. 275, Fed. Cas. No. 12, 139.

DAMAGES—PERSONAL INJURIES CONTRIBUTING TO DISEASE.—Plaintiff, employed by defendant railroad company as a section hand, was injured through defendant's negligence, his injury consisting of a broken rib. He was under a physician's care, going to see him every two or three days for for about six weeks, at the end of which time he was taken to a hospital, having contracted pneumonia. *Held,* that plaintiff had a right to show at the trial, as an element of damages, his confinement to the hospital with pneumonia, caused wholly or in part by the injury, and that the defendant is liable if it be shown that plaintiff's injury superinduced, or contributed to, the production of pneumonia. *Luisi* v. *Chicago Great Western Ry. Co.* (Iowa 1912) 136 N. W. 322.

This seems to be the first case in which the Supreme Court of Iowa passed on the question whether or not a defendant is liable where a traumatic disease is caused by injuries resulting from his negligence. The decision of the court that the defendant is liable is supported in *Ohio, Etc Ry. Co.* v. *Hecht,* 115 Ind. 443, 17 N. E. 297; *Smalley* v. *City of Appleton,* 75 Wis. 18, 43 N. W. 826; *Blaskand* v. *Phila. Rapid Transit Co.,* 42 Super. etc. Rep. Pa. 325; *Beauchamp* v. *Saginaw Mining Co.,* 50 Mich. 163; *Baltimore, etc. Ry. Co.* v. *Kemp,* 61 Md. 619; *Bishop* v. *St. Paul Ry. Co.,* 48 Minn. 26; THOMPSON, NEGLIGENCE, § 154. The Pennsylvania Court, in *Blaskand* v. *Phila. Rapid Transit Co., supra,* points out the great danger of fraud in this class of cases: to prove that a disease was caused by the negligent injury necessarily requires opinion evidence, which is often untrustworthy, illusory, and speculative, and in many actions to recover damages for physical injuries